



NASA Policy Directive

NPD 1400.2AEffective Date: August 24, 2001
Expiration Date: August 24, 2006**COMPLIANCE IS MANDATORY**[Printable Format \(PDF\)](#)

Subject: Publication of NASA Documents in The Federal Register

Responsible Office: Management Systems Division

1. Policy

a. NASA publishes information through notices in the Federal Register (FR) to give the general public information on NASA activities and on proposed and final regulations, and, where applicable, an opportunity to participate. A regulation is issued or continued if an Official-in-Charge and the General Counsel determine that a regulation is required or is the best available method for achieving compliance with an Agency objective.

b. NASA regulations and notices planned for publication in the FR are prepared in accordance with the Office of the Federal Register (OFR) requirements. Prior to publication in the FR, NASA submits covered regulations to the Congress and to the General Accounting Office (GAO), pursuant to 5 U.S.C., Sections 801 - 808 (Public Law (Pub.L.) 104-121, Title II, Section 251, March 29, 1996, 110 Stat. 868), as amended; and submits all regulations to the Office of Management and Budget (OMB) for review and approval pursuant to Executive Order (EO) 12866.

c. All NASA documents to be published in the FR shall be certified and submitted to the OFR by the NASA Federal Register Liaison Officer, NASA Office of Management Systems, as prescribed by Title 1, Code of Federal Regulations (CFR), Chapter 1, Part 16, Sections 16.1 - 16.4.

d. All notices and regulations that have the potential to affect foreign entities or individuals will be coordinated with the Office of External relations to ensure compliance with appropriate U.S. foreign policy, international agreements, and export control regulations.

2. Applicability

This NPD is applicable to NASA Headquarters and NASA Centers, including Component Facilities.

3. Authority

a. [42 U.S.C. Section 2473](#) (c)(1), Section 203(c)(1), of the National Aeronautics and Space Act of 1958, as amended.

b. 5 U.S.C. Chapter 8, Sections 801 - 808, Congressional Review of Agency Rulemaking.

c. 5 U.S.C. Appendix 3, Inspector General Act, as amended.

d. 1 CFR, Chapters I and II, Parts 1-51.

e. 41 CFR, Part 101-6, Federal Advisory Committee Management.

f. EO 12866, Regulatory Planning and Review, September 30, 1993 (3 CFR, 1993 Compilation), as amended.

g. EO 12988, Civil Justice Reform, February 5, 1996 (3 CFR, 1996 Compilation), as amended.

h. EO 13132, Federalism, August 4, 1999 (3 CFR, 1999 Compilation), as amended.

i. EO 13175, Consultation and Coordination with Indian Tribal Governments, November 6, 2000 (3 CFR, 2000 Compilation).

4. Reference

a. [Federal Register Document Drafting Handbook](#), 1998 edition.

- b. [NPD 1440.6E](#), NASA Records Management
- c. [NPG 1441.1C](#), Records Retention Schedules

5. Responsibility

- a. All NASA regulations to be published in the FR for codification in 14 CFR, Chapter V, other than regulations dealing with the NASA Federal Acquisition Regulations Supplement (NFS) and grants, will be prepared by the responsible Headquarters Office, appropriately coordinated, and signed by the Administrator. Coordination shall include, at a minimum, the Office of the General Counsel, the Assistant Administrator for Small and Disadvantaged Business Utilization, the Inspector General, and the Agency's Federalism Officer, Office of Institutional and Corporate Management.
- b. The Assistant Administrator for Procurement will sign all notices and regulations dealing with the NFS and grants and is also responsible for proper coordination and publication of procurement-related documents in the FR.
- c. All notices announcing the availability of patents for licensing and notices of intent to grant a specific patent license will be prepared by the Office of the General Counsel and signed by the General Counsel. The General Counsel is also the determining authority of whether any proposed regulation should be published in the FR and is responsible for review of and concurrence on all regulations proposed to be published in the FR.
- d. Notices regarding Agency actions, including notices of proposed rulemakings, that have the potential to adversely affect the environment or cause public controversy due to environmental impacts, shall also be coordinated with the Environmental Management Division, Office of Institutional and Corporate Management, to ensure compliance with the notice requirements of specific environmental statutes and EO's.
- e. The Assistant Administrator for the Office of External Relations is responsible for reviewing and coordinating all international, and export control-related documents to ensure compliance with appropriate international agreements, U.S. foreign policies, and export control regulations. All notices of meetings and activities with a non-U.S. component will be prepared by the responsible office and coordinated with the Office of External Relations.
- f. All notices of meetings for advisory committees will be prepared by the responsible office, concurred in by the General Counsel (except for notices of meetings that are open to the public), and signed by the NASA Advisory Committee Management Officer or designee. Advisory committee meeting notices shall appear in the FR at least 15 days prior to the date of the meeting.
- g. The Deputy Chief Information Officer signs all notices dealing with Agency report forms under OMB review, except the procurement-related notices referenced in paragraph 5.b above.
- h. All notices not specifically exempted by paragraphs 5.b and 5.g above shall be submitted by the responsible office for concurrence by the NASA Federal Liaison Officer, NASA Office of Institutional and Corporate Management and the NASA Office of the General Counsel. The excepted notices may be signed by the Official-in-Charge of the initiating office. Notices signed by the Inspector General will be processed in accordance with paragraph 5.i below.
- i. Material proposed for FR publication by NASA Centers will be submitted by Center Directors, or their designated representative, to appropriate Institutional Associate Administrators who will consult with the Office of the General Counsel to determine if the material should be published in the FR. The Institutional Associate Administrator shall ensure that the document is properly prepared, coordinated, and approved.
- j. The Assistant Administrator for Institutional and Corporate Management, as NASA's Regulatory Policy Officer (RPO), is responsible for the following:
 - (1) Ensuring that those requirements in 5 U.S.C. Sections 801 - 808, Executive Order 12866, and 1 CFR, Part 16, Sections 16.1 - 16.4, are properly followed and implemented.
 - (2) Designating a Federal Register Liaison Officer who will ensure that proper preparation, coordination, and approval are achieved for NASA documents that will be published in the FR.
 - (3) Designating a Federalism Officer.
 - (4) Designating an Indian Tribal Governments Liaison.
 - (5) Submitting NASA's Regulatory Plan and Regulatory Agenda to OMB in accordance with Executive Order 12866 and OMB's guidelines and timeframes.
 - (6) Submitting information to the OFR for publication in the U.S. Government Manual in accordance with OFR guidelines and timeframes.
- k. The Assistant Administrator for Small and Disadvantaged Business Utilization is responsible for reviewing all regulations to be published in the FR to determine whether the regulations are likely to have a significant economic impact on a substantial number of small entities.

l. The Inspector General, in accordance with the Inspector General Act, 5 U.S.C. Appendix 3, is responsible for reviewing all regulations that are to be published in the FR. Notices signed by the Inspector General will be reviewed by legal counsel to the Inspector General and processed through the NASA Federal Register Liaison Officer for publication.

m. The office responsible for originating and maintaining NASA regulations published in the CFR will review the currency and appropriateness of the regulatory documents at least once every 5 years and each time the underlying statutory authority is amended, to determine and take action on any change or cancellation requirements.

n. Officials-in-Charge of Headquarters Offices are also responsible for the following:

(1) Consulting with the Office of the General Counsel to determine the need to publish proposed regulations in the FR.

(2) Ensuring that material is properly prepared, coordinated, and editorially correct, with emphasis on brevity and clarity.

(3) Ensuring that all notices of meetings and activities with a non-U.S. entity or persons are coordinated with the Office of External Relations.

o. The NASA Federal Register Liaison Officer, Office of Institutional and Corporate Management, is responsible for the following:

(1) Ensuring that documents are properly prepared, coordinated, and approved in accordance with 5 U.S.C. Sections 801 - 808, EO 12866, and with OFR requirements.

(2) Ensuring the submittal of covered regulations to the Congress and GAO before regulations take effect.

(3) Acquiring the approval of OMB on regulations before submission to the OFR for publication.

(4) Submitting items to OMB for inclusion in the Regulatory Plan and Regulatory Agenda, in accordance with EO 12866 and OMB's guidelines and timeframes.

(5) Certifying and transmitting approved documents to the OFR for publication.

p. The Federalism Officer is responsible for the following:

(1) Determining the impact of each proposed regulation on State and local government pursuant to EO 13132.

(2) Ensuring appropriate consultation with State and local officials when proposed regulations would preempt State law.

(3) Submitting a summary federalism impact statement to OMB prior to the promulgation of a final regulation preempting State law.

q. The Indian Tribal Governments Liaison is responsible for the following:

(1) Determining the impact of each proposed regulation on Tribal governments, pursuant to EO 13175.

(2) Ensuring appropriate consultation with Tribal Government officials when proposed regulations would preempt Tribal law.

(3) Submitting a summary impact statement to OMB prior to the promulgation of a final regulation preempting Tribal law.

6. Delegation of Authority

None.

7. Measurements

None.

8. Cancellation

NPD 1400.2, Publication of NASA Documents In The Federal Register, Dated March 14, 1997.

/s/ Daniel S. Goldin
Administrator

Attachment A: (Text)**(URL for Graphic)****DISTRIBUTION:**
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